



02-24-04

Image RCE \$  
1646

PTO/SB/30 (09-03)

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<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	09/891093
	<b>Filing Date</b>	June 25, 2001
	<b>First Named Inventor</b>	Sidney Pestka
	<b>Art Unit</b>	1646
	<b>Examiner Name</b>	P. M. Mertz
	<b>Attorney Docket No.</b>	PBLI-P08-005

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☒ Supplemental Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 18-1945
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ Enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

<b>Name (Print/Type)</b>	Spencer H. Schneider	<b>Registration No. (Attorney/Agent)</b>	45,923
<b>Signature</b>		<b>Date</b>	February 23, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EH380756721US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 23, 2004 Signature: Linda Blake (Linda Blake)

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Docket No.: PBLI-P08-005  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Sidney Pestka

Confirmation No. 9195

Application No.: 09/891093

Group Art Unit: 1646

Filed: June 25, 2001

Examiner: Prema Mertz

For: MODIFIED CYTOKINES

**February 23, 2004**

**CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EH380756721US in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 23, 2004

Signature: Linda Blake

(Linda Blake)

**AMENDMENT AND  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
TO ACCOMPANY REQUEST FOR CONTINUED EXAMINATION**

**MS RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is filed to accompany the Request for Continued Examination (RCE) being concurrently filed. A Notice of Appeal was filed September 22, 2003. Therefore, the deadline for filing the RCE was November 22, 2003. However, with the accompanying petition for a three month extension of time, the deadline for filing the RCE was February 22, 2004. However, since February 22, 2004 was a Sunday, pursuant to 37 C.F.R. §1.7, a response may be timely filed on Monday February 23, 2004. Accordingly, the RCE and Amendment are being timely filed.

Applicants note that the amendments made herein were previously presented in the response filed on September 22, 2003. For the Examiner's convenience, these amendments are

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being presented below and applicants respectfully request entry.

Please amend the above-identified U.S. patent application as follows: